

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JIMMY ED JONES, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-11-147
§
THE STATE OF TEXAS, §
§
Respondent. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On July 14, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment, (D.E. 11), be granted, that petitioner's habeas petition, (D.E. 1), be dismissed, that petitioner's request for an evidentiary hearing be denied, and that petitioner be denied a certificate of appealability. On August 12, 2011, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted and petitioner's habeas petition is dismissed. It is further ORDERED that petitioner's request for an evidentiary hearing is denied. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 24th day of August, 2011.



Janis Graham Jack
Senior United States District Judge